



General Assembly

January Session, 2013

Amendment

LCO No. 5772

SB0015905772SD0

Offered by:

SEN. OSTEN, 19th Dist.

REP. TERCYAK, 26th Dist.

To: Subst. Senate Bill No. **159**

File No. 330

Cal. No. 261

"AN ACT CONCERNING EMPLOYEE PRIVACY."

1 After line 8, insert "(4) "Electronic communications device" means
2 any electronic device that is capable of transmitting, accepting or
3 processing data, including, but not limited to, a computer, computer
4 network and computer system, as those terms are defined in section
5 53a-250 of the general statutes, and a cellular or wireless telephone;"
6 and renumber the remaining subdivisions and internal references
7 accordingly

8 In line 18, strike "No" and insert in lieu thereof "Except as provided
9 in subsection (d) of this section, no"

10 In line 20, after "name" insert "and password"

11 In line 24, after "name" insert "and password"

12 In line 26, strike ";" and insert in lieu thereof ", or"

13 In line 27, after "body" insert "or court"

14 In line 28, strike "(C) who" and insert in lieu thereof "or"

15 Strike lines 29 to 31, inclusive

16 After line 31, insert "(3) Fail or refuse to hire any employee or
17 applicant as a result of his or her refusal to provide such employer
18 with a user name and password, password or any other authentication
19 means for accessing a personal on-line account.

20 (c) No employer shall be liable for failing to request or require that
21 an employee or applicant provide such employer with a user name
22 and password, password or any other authentication means for
23 accessing a personal on-line account.

24 (d) (1) An employer may request or require that an employee or
25 applicant provide such employer with a user name and password,
26 password or any other authentication means for accessing (A) any
27 account or service provided by such employer or by virtue of the
28 employee's employment relationship with such employer or that the
29 employee uses for business purposes, or (B) any electronic
30 communications device supplied or paid for, in whole or in part, by
31 such employer.

32 (2) No employer shall be prohibited from discharging, disciplining
33 or otherwise penalizing an employee or applicant that has transferred,
34 without such employer's permission, such employer's proprietary
35 information, confidential information or financial data to or from such
36 employee or applicant's personal on-line account.

37 (e) Nothing in this section shall prevent an employer from:

38 (1) (A) Conducting an investigation for the purpose of ensuring
39 compliance with applicable state or federal laws, regulatory
40 requirements or prohibitions against work-related employee
41 misconduct based on the receipt of specific information about activity
42 on an employee or applicant's personal on-line account; or (B)
43 conducting an investigation based on the receipt of specific

44 information about an employee or applicant's unauthorized transfer of
45 such employer's proprietary information, confidential information or
46 financial data to or from a personal on-line account operated by an
47 employee, applicant or other source. Any employer conducting an
48 investigation pursuant to this subsection may require an employee or
49 applicant to disclose the user name and password, password or any
50 other authentication means for accessing the employee or applicant's
51 personal on-line account if such account is the subject of specific
52 information involving work-related employee misconduct.

53 (2) Monitoring, reviewing, accessing or blocking electronic data
54 stored on an electronic communications device paid for in whole or in
55 part by the employer, or traveling through or stored on an employer's
56 network, in compliance with state and federal law.

57 (f) Nothing in this section shall be construed to prevent an employer
58 from complying with the requirements of state or federal statutes,
59 rules or regulations, case law or rules of self-regulatory organizations."

60 Strike lines 32 to 40, inclusive